

Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Chiropractors
1000 Washington Street
Boston, MA 02118

FEBRUARY 1, 2018

A regularly scheduled meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held in Room 1D, 1000 Washington Street, Boston, Massachusetts.

Dr. Shilts noted a quorum of members present, and the meeting was called to order at 10:02 a.m.

MEMBERS PRESENT:

Dr. Kirk Shilts, Chair
Dr. Glenn Dodes, Vice Chair
Dr. Scott Storozuk, Secretary
Ms. Barbara Bush, Public Member
Dr. Joanne Cancro, Member
Dr. Candace Maddalo, Member
Dr. Peter Martone, Member

STAFF PRESENT at Various Times:

Brian Bialas, Board Executive Director
Richard Lawless, Board Associate Executive Director
Sheila York, Esq., Board Legal Counsel
Ellen D'Agostino, Office of Investigations
Allen Van Tassel, Office of Investigations

CHAIRMAN'S MESSAGE:

Dr. Shilts reminded everyone that the April meeting will be in Milford, Massachusetts. He also indicated that he was contemplating canceling the March meeting.

Dr. Shilts introduced new board member Joanne Cancro, D. C. He thanked former member Dr. Imonti for her service to the Board including serving as an examiner for Part IV of the NBCE Exams

Dr. Shilts also mentioned the FCLB and NBCE meetings taking place in Dallas, Texas in May, including the opportunity for Executive Directors to attend on scholarship, and that NBCE Part IV Exams are approaching.

AGENDA:

Dr. Shilts reviewed the draft agenda with the Board. A discussion took place about adding to new business the selection of delegates for the annual FCLB and NBCE meetings taking place this May.

Thereafter a Motion was made by Dr. Dodes, seconded by Dr. Maddalo and VOTED (unanimous);
to approve the meeting's agenda as amended.

PAST MEETING MINUTES:

The Board reviewed the draft meeting minutes of December 7, 2017. Dr. Shilts proposed changes to the minutes. Under the Board Communications (Email Process) agenda item, the Board agreed that the term "process" will be interpreted broadly.

Thereafter a Motion was made by Dr. Martone, seconded by Dr. Dodes and VOTED (unanimous); **to approve the public meeting minutes of December 7, 2017 as amended.**

The Board reviewed the draft Executive Session minutes of December 7, 2017. Dr. Shilts proposed changes to the minutes.

Thereafter a Motion was made by Dr. Martone, seconded by Dr. Maddalo and VOTED (unanimous); **to approve the executive session minutes of December 7, 2017 as amended and to keep them confidential until the purpose for the executive session has concluded.**

CHIROPRACTOR OF RECORD INTERVIEW:

- **Dr. Sarah Corcoran for Wicked Good Chiropractic:**

Mr. Lawless addressed the Board regarding this pending facility license application. Dr. Corcoran answered questions from the Board regarding her prior stayed suspension and probation.

After discussion, a Motion was made by Dr. Dodes, seconded by Dr. Martone and VOTED (unanimous); **to approve the pending facility license application.**

CASE MONITORING:

- **20160502CH042-IT-ENF [MT], Request to Terminate Probation Period (Interview):**

Mark Tanny, D.C. appeared to request that his probation be terminated. The Board questioned Dr. Tanny regarding his case, his probation, and changes he has made while on probation. He reports he has worked with a compliance company and has made improvements. He reports he is planning to move to a cash practice and become semi-retired.

After discussion, a Motion was made by Dr. Dodes, seconded by Dr. Maddalo and VOTED (unanimous, with Dr. Cancro abstaining); **to terminate Dr. Mark Tanny's probation.**

OPEN CASES:

The Board prepared to discuss investigative matters.

Thereafter a Motion was made by Dr. Martone, seconded by Dr. Cancro and VOTED (unanimous); **to enter into Closed Session under G.L. c. 112, s. 65C at 10:40 a.m. for the purpose of discussing open investigatory matters.**

Open Session Resumed at 12:44 p.m.

During closed session, the Board took the following actions:

- **2017-000491-IT-ENF [DK]:** Direction was given to staff.
- **2017-001507-IT-ENF [JD]:** Referred to the Office of Prosecutions. (Dr. Storozuk was recused from any discussion of this case and left the room)
- **2017-001490-IT-ENF [SW]:** Referred to the Office of Prosecutions.
- **2017-001377-IT-ENF [JE]:** Referred to the Office of Prosecutions.
- **2017-000984-IT-ENF [MG]:** Direction was given to staff. (Dr. Martone was recused from any discussion)

of this case and left the room)

- **12.30.17 National Practitioner Data Bank Medical Malpractice Payment Report [JB]:** Report received.
- **AIB Report Update:** Received. Direction was given to staff.

LEGAL REPORT:

Atty. York discussed the following matters with the Board:

- **Patient Record Regulations :**
The regulations changes are in process.
- **New Licensee Interview Policy:**
Board Counsel updated the Board on input she had received from DPL Chief Legal Counsel Bruce Hopper regarding the Board's policy. Dr. Shilts offered to assist Board Counsel in responding to that input.
- **Question on New Practice Patient Examinations [1.16.18 Email from C. Gauthier, D.C.]:**
The Board referred Dr. Gauthier to the Board's policy guideline on Fee Discounts and Discount Payment plans, and that all examination decisions should be based on clinical rationale. With regard to his record keeping questions, Dr. Gauthier needs to comply with all applicable laws.

APPLICATION FOR CHIROPRACTIC LICENSURE:

- **Dr. Mitchell Harding**
Atty. York said Dr. Harding's application was mistakenly categorized as a reciprocity application from Pennsylvania which it is not. She said this item should be removed from the agenda.
Dr. Shilts asked that our reciprocity form be corrected to remove duplicative wording.

CORRESPONDENCE:

The Board reviewed the following correspondence:

- **12.19.17 Email from H. Khalsa, D.C. re: Use of Term "Manual Medicine":**
Direction was given to staff to respond that use of the term is permitted provided the advertising identifies the practitioner as a chiropractor.

DISCUSSION:

The Board discussed the following topics:

- **Board Website:**
Discussion was deferred to a future meeting.
- **Monitoring Question Revisions:**
Discussion was deferred to a future meeting.
- **CE Guideline Policy:**
After discussion, a Motion was made by Dr. Dodes, seconded by Dr. Martone and VOTED (unanimous);
to approve the CE Guideline Policy as amended.

Furthermore, the comment period previously identified by the Board will be amended because of DPL website issues and the impending CE renewal deadline for licensees.

- **Hyperbaric Oxygen Therapy:**
Staff informed the Board of the research that has been done. It was decided that the Board must do more research and perhaps bring in expert testimony on this subject. Further discussion was tabled.
- **Recommendations to DPL on:**
 - **School Bus Driver Physical Evaluations:**
A discussion was led by Dr. Maddalo regarding proposed legislation that would permit chiropractors to provide required physicals for certain Massachusetts school bus drivers. The Board will consider voting on whether to recommend to DPL that it should support the proposed legislation at its next meeting.
 - **Return to Play Concussion Protocol:**
A discussion was led by Dr. Shilts regarding his desire to approach the MA Department of Public Health (DPH) along with another board member to discuss this protocol. Permission will be sought to meet with the DPH.
 - **Athletic Physical Evaluations:**
A discussion was led by Dr. Martone regarding his desire to approach the Massachusetts Interscholastic Athletic Association (MIAA) along with another board member to discuss athletic and school physical evaluations. Permission will be sought to meet with the MIAA.

NEW BUSINESS

- **FCLB/NBCE 2018 Annual Meetings:**
Dr. Shilts recommended that the Board select, at the very least, an alternate delegate for the upcoming FCLB and NBCE meetings in case the Board does not meet in March which would cause the Board to miss the deadlines for naming delegates.

Thereafter a Motion was made by Dr. Dodes, seconded by Dr. Maddalo and VOTED (unanimous);
to nominate Dr. Shilts as the alternate delegate for the state of Massachusetts for the upcoming FCLB and NBCE meetings.

NEW LICENSEE INTERVIEWS:

After the meeting, the following candidates were scheduled to complete their new licensee orientation/interview with Dr. Shilts:

- Junji Zhang (Massachusetts), Seth Wytrwal (Massachusetts), Cassandra Marchant (Georgia), Jennyfer Franca (New York), Bonnie Chung (ON-Canada), and Serena Veronica (New York)

ADJOURNMENT:

Dr. Shilts noted there were no more agenda items.

Thereafter a Motion was made by Dr. Martone, seconded by Dr. Dodes, and VOTED (unanimous);
to adjourn the February 1, 2018 public meeting at 1:26 p.m.

*The above minutes were approved during the open meeting of the Board held on April 5, 2018.



Brian Bialas, Executive Director
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Meeting Agenda for 2/1/18*
- *Draft minutes of the 12/7/17 public meeting*
- *Draft minutes of the 12/7/17 executive session*
- *20160502CH042-IT-ENF [MT], Request to Terminate Probation Period (11/28/17)*
- *20070525CH128-IT-ENF, Investigation Summary and Consent Agreement*
- *12.19.17 Email from H. Khalsa, D.C. re: Use of Term "Manual Medicine"*
- *Documents from K. Shilts regarding Hyperbaric Oxygen Therapy*
- *Documents from C. Maddalo regarding school bus driver physicals*
- *Documents from P. Martone regarding athletic school physicals*
- *Documents from K. Shilts regarding Massachusetts concussion protocol regulations*
- *1.16.18 Email from C. Gauthier, D.C. regarding New Patient Examinations*
- *233 CMR 2.00 and 233 CMR 5.00 draft regulation changes*